

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

**JANICE EDWARDS, on behalf of minor
J.E., and CYNTHIA ECHAURI, on behalf
of minor A.E., individually, and on behalf
of a class of others similarly situated,**

Plaintiffs,

v.

**YAMHILL COUNTY, personally, TIM
SVENSON, personally, SCOTT PAASCH,
personally, and JESSICA BEACH,
personally,**

Defendants.

Case No. 3:19-cv-00240-AC

ORDER

IMMERGUT, District Judge.

On October 15, 2020, Magistrate Judge John V. Acosta issued his Findings and Recommendation (F&R), ECF 35, recommending that Defendants' Motion to Dismiss, ECF 15, be granted in part and denied in part, and that Defendants' alternative Motion to Make Plaintiffs' Claims More Definite and Certain, ECF 15, be denied. Plaintiffs filed Objections to the F&R, ECF 42, and Defendants responded to those Objections, ECF 43.

DISCUSSION

Under the Federal Magistrates Act (“Act”), as amended, the court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). If a party objects to a magistrate judge’s F&R, “the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.* But the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149–50 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc). Nevertheless, the Act “does not preclude further review by the district judge, sua sponte” whether de novo or under another standard. *Thomas*, 474 U.S. at 154.

This Court has reviewed de novo the legal issues in the F&R and adopts it in full. Defendants’ Motion to Dismiss, ECF 15, is GRANTED IN PART and DENIED IN PART. Plaintiffs’ first cause of action and punitive damages claim are dismissed without prejudice and with leave to amend. Defendants’ Motion to Dismiss as to the class claims is denied with leave to renew. Plaintiffs’ second and third causes of action are dismissed with prejudice and without leave to amend. Defendants’ alternative Motion to Make Plaintiffs’ Claims More Definite and Certain, ECF 15, is DENIED.

IT IS SO ORDERED.

DATED this 24th day of November, 2020.

/s/ Karin J. Immergut
 Karin J. Immergut
 United States District Judge